

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | | |
|---------------------------------|---|-----------------|
| U.S. BANK NATIONAL ASSOCIATION, |) | |
| AS TRUSTEE, AS SUCCESSOR-IN- |) | |
| INTEREST TO BANK OF AMERICA |) | |
| NATIONAL ASSOCIATION, AS |) | |
| TRUSTEE, AS SUCCESSOR BY |) | |
| MERGER TO LaSALLE BANK |) | |
| NATIONAL ASSOCIATION, AS |) | |
| TRUSTEE FOR THE REGISTERED |) | |
| HOLDERS OF J.P. MORGAN CHASE |) | |
| COMMERCIAL MORTGAGE |) | |
| SECURITIES CORP., COMMERCIAL |) | |
| MORTGAGE PASS-THROUGH |) | |
| CERTIFICATES, SERIES 2006-LDP8, |) | |
| |) | Civil Action |
| Plaintiff |) | No. 11-cv-05054 |
| |) | |
| v. |) | |
| |) | |
| LIGHTHOUSE WHITEHALL |) | |
| COMMONS, LLC, |) | |
| |) | |
| Defendant |) | |

* * *

O R D E R

NOW, this 28th day of September, 2012, upon
consideration of the following documents:

- (1) Motion for Summary Judgment, filed by plaintiff on February 17, 2012 (Document 26), together with
 - (A) Affidavit of Simon Lau notarized February 16, 2012 and filed February 17, 2012 (Document 26-1) and re-filed June 28, 2012 (Document 33-6);
 - (B) Brief in Support of Plaintiff's Motion for Summary Judgment (Document 26-2);
 - (C) Plaintiff's First Request for Admissions Directed to Defendant Lighthouse Whitehall Commons, LLC, filed June 28, 2012 (Document 33-4); and

- (D) Lighthouse Whitehall Commons, LLC's Response to Plaintiff's First Request for Admissions, which response was filed June 28, 2012 (Document 33-5),
- (2) Defendant, Lighthouse Whitehall Commons, LLC's Response to Motion of Plaintiff, U.S. Bank National Association, as Trustee for Summary Judgment, which response was filed March 9, 2012 (Document 28), together with
 - (A) Defendant, Lighthouse Whitehall Commons, LLC's Memorandum of Law in Opposition to the Motion of Plaintiff, U.S. Bank National Association, as Trustee for Summary Judgment (Document 28);
- (3) Reply Brief in Support of Plaintiff's Motion for Summary Judgment, which reply was filed March 19, 2012 (Document 29), together with
 - (A) Affidavit of Simon Lau notarized and filed March 19, 2012 (Document 29-1);
- (4) Amended Complaint in Mortgage Foreclosure filed by plaintiff on August 26, 2011 (Document 5), together with;
 - (A) Exhibits A-I (Documents 5-1 through 5-11, respectively); and
- (5) Answer and Affirmative Defenses of Defendant, Lighthouse Whitehall Commons, LLC to Plaintiff's Amended Complaint, which answer was filed by defendant on September 19, 2011 (Document 13);

and for the reasons articulated in the accompanying Opinion,

IT IS ORDERED that plaintiff's Motion for Summary Judgment is granted in part and denied in part.

IT IS FURTHER ORDERED that plaintiff's motion is granted to the extent that it requests that this court foreclose all right, title, lien and equity of redemption that defendant,

and all those claiming by, through or under it has or had in the property located at Three Maryland Circle, Whitehall Township, Lehigh County, Pennsylvania ("Mortgaged Premises"), and that such property be sold at foreclosure sale to satisfy the judgment in this case.

IT IS FURTHER ORDERED that partial judgment in rem is entered in favor of plaintiff U.S. Bank National Association, as trustee¹ and against defendant Lighthouse Whitehall Commons, LLC in the amount of \$4,324,501.47; plus \$719.47 per diem standard interest from January 11, 2011 through September 27, 2012, and \$599.56 per diem default interest from February 11, 2011 through September 27, 2012, plus post-judgment interest at the statutory rate of 0.18 percent to be computed daily, from September 28, 2012 until the judgment is paid in full, and which post-judgment interest shall be compounded annually.

IT IS FURTHER ORDERED that the August 16, 2006 Promissory Note and the Mortgage of the same date between defendant and Eurohypo AG, which were subsequently assigned to plaintiff are foreclosed as to the Mortgaged Premises.

IT IS FURTHER ORDERED that, in accordance with a future Order to be issued by this court after plaintiff's remaining

¹ For purposes of this partial judgment in rem, the full designation of plaintiff is "U.S. Bank National Association, as trustee, as successor-in-interest to Bank of America National Association, as trustee, as successor by merger to LaSalle Bank National Association, as trustee for the registered holders of J.P. Morgan Chase Commercial Mortgage Securities Corp., Commercial Mortgage Pass-Through Certificates, Series 2006-LDP8".

disputed claims are resolved by non-jury trial, the Mortgaged Premises will be sold by the United States Marshal for the Eastern District of Pennsylvania.

IT IS FURTHER ORDERED that the Mortgaged Premises will be sold by the United States Marshal for the Eastern District of Pennsylvania in accordance with 28 U.S.C. §§ 2001 and 2002, and pursuant to an Order of this court to be issued after plaintiff's remaining disputed claims are resolved at the non-jury trial of this case.

IT IS FURTHER ORDERED that plaintiff's motion is denied in all other respects.

BY THE COURT:

/s/ JAMES KNOLL GARDNER
James Knoll Gardner
United States District Judge